

1 JUDGE SAINSOT: By the authority vested in me by
2 the Illinois Commerce Commission, I now call Docket
3 No. 02-0680. It is a complaint of Maxine Johnson vs.
4 Peoples Gas, Light and Coke Company. It concerns
5 inaccurate billing, erroneous balance due, and
6 estimating billing in Chicago, Illinois.

7 Will the parties identify themselves for
8 the record, and, Ms. Johnson, please, include your
9 address and phone number as well.

10 MS. JOHNSON: Maxine Johnson, 3947 West Polk
11 Street, Apartment 1, Chicago, Illinois, 60624.

12 MR. BRIGIDA: Peter Brigida on behalf of Peoples
13 Gas, Light and Coke Company, 130 East Randolph Drive,
14 Chicago, Illinois, 60601; the telephone number
15 312-240-4461.

16 JUDGE SAINSOT: All right. So, for the record, I
17 have a motion to dismiss filed by Mr. Brigida.
18 Mr. Brigida on behalf of Peoples Gas, Light and Coke
19 Company has asserted essentially in his motion to
20 dismiss that Ms. Johnson has not answered his data
21 request pursuant to discovery adequately.

22 For the record, Mr. Brigida, at this time

1 I am denying this motion to dismiss with the following
2 caveat, and this is why the pen and paper: I asked
3 you, Ms. Johnson, to get a pen and paper. You can
4 figure out how long it will take you to get this
5 information. There are a few data requests that I
6 find are incomplete, and they are as follows: No. 1,
7 where you describe where Mr. Brigida asks you about
8 the appliances that's supplied to the address in
9 question and you responded furnace in the basement. I
10 would like --

11 MS. JOHNSON: I corrected that, your Honor.

12 JUDGE SAINSOT: Did you put more information in the
13 back regarding that?

14 MS. JOHNSON: Attachment 3.

15 JUDGE SAINSOT: Attachment 2 -- Attachment 3,
16 furnace for apartment 1, January 1999 to present
17 located in basement. Don't know make and model.

18 Well, you can go down and look and see
19 what kind of furnace you have, Ms. Johnson, and you
20 can put down on paper whether the furnace is for the
21 whole building.

22 MS. JOHNSON: It's not. It's per apartment.

1 JUDGE SAINSOT: Okay. Well, that's what
2 Mr. Brigida wanted to know, so if you could please put
3 down the make, and model, and how many units that
4 serves.

5 MS. JOHNSON: One, mine.

6 JUDGE SAINSOT: Well, just this is why pen and
7 paper are handy, and the same thing for the hot water
8 heater.

9 Question 2, how many units those served?
10 And for Question 10, Mr. Brigida wants to know whether
11 you have a stove and whether the occupant of the
12 building has a stove, and what kind of stove you have,
13 although --

14 MS. JOHNSON: Is that --

15 JUDGE SAINSOT: -- stoves I would imagine are
16 pretty much the same, aren't they?

17 MS. JOHNSON: It's not natural gas.

18 JUDGE SAINSOT: It's not natural gas?

19 MS. JOHNSON: It's not a natural gas cooking
20 account. It's strictly furnace and heater.

21 JUDGE SAINSOT: Okay. Just write that down.

22 No. 10 you have gas stove write down that

1 you don't have gas stove.

2 MR. BRIGIDA: She can put down electric stove.

3 MS. JOHNSON: I'll put natural gas. That's what

4 applies to them.

5 JUDGE SAINSOT: Right. So you are saying that you

6 have an electric stove?

7 MS. JOHNSON: I don't have a stove, but the line is

8 not even natural gas. It's never been a natural gas.

9 JUDGE SAINSOT: Okay. So if you don't have a

10 stove, that's fine, just put down whatever the --

11 MS. JOHNSON: Equivalent to irrelevant.

12 JUDGE SAINSOT: But it's irrelevant because you

13 don't have it.

14 MS. JOHNSON: And if I did, it's not natural gas.

15 It's not a cooking account.

16 JUDGE SAINSOT: So just put down the fact that

17 makes it irrelevant and then he'll go away about that

18 figuratively speaking.

19 Mr. Brigida, in Question 11 I think wants

20 to know if you had any workmen out there working on

21 your building. If you have haven't, just put

22 none.

1 MS. JOHNSON: I don't personally hire staff. I'm a
2 tenant.

3 JUDGE SAINSOT: Oh.

4 MS. JOHNSON: That's -- also, remember we said --

5 JUDGE SAINSOT: Right. Right. Okay. So the
6 answer to the question -- that's the answer to
7 Question 11 then is that you are a tenant, period.

8 MS. JOHNSON: That was my point about the heater
9 and the other stuff, you know what I'm saying.

10 JUDGE SAINSOT: I understand.

11 MS. JOHNSON: And that's why I brought up before
12 that this information he got from the landlord.

13 JUDGE SAINSOT: Okay.

14 MS. JOHNSON: You see what I'm saying. That's what
15 I was saying.

16 JUDGE SAINSOT: Okay. But it's not clear to me.
17 I'm only getting little bits and pieces of this.

18 MS. JOHNSON: That's what I was trying to explain
19 before. That's what I was saying.

20 MR. BRIGIDA: Judge, even if she's not the owner
21 with respect to the information regarding the heater
22 and hot water and -- furnace and hot water heater,

1 those are appliances that serve her unit and they're
2 directly relevant to what she's claiming.

3 JUDGE SAINSOT: That's why I'm telling her she has
4 to espound.

5 MS. JOHNSON: Your Honor, how many tenants do you
6 know have access to their landlord's keys to check out
7 the landlord's appliances?

8 JUDGE SAINSOT: I didn't know. Can I ask you
9 something.

10 MS. JOHNSON: And that was what I was saying.

11 JUDGE SAINSOT: This is a building dispute --

12 MR. BRIGIDA: Absolutely.

13 JUDGE SAINSOT: -- so --

14 MS. JOHNSON: That was my point.

15 JUDGE SAINSOT: -- what --

16 MR. BRIGIDA: A lot of times complaints will state
17 I know the bill's wrong because I couldn't have used
18 this much gas.

19 JUDGE SAINSOT: I don't think that's what she's
20 saying.

21 MS. JOHNSON: That's not what I said.

22 MR. BRIGIDA: We are still with respect to any

1 estimation. Estimations are based on factors, heating
2 factors, and non-heating factors, and knowing exactly
3 what size appliances is provided.

4 MS. JOHNSON: And if -- and if that's an issue,
5 wouldn't they as a company establish that and write
6 that during their inspections --

7 JUDGE SAINSON: Not necessarily.

8 MS. JOHNSON: -- as a facility, then tenants
9 wouldn't be -- a tenant is being estimated. The
10 tenant is not estimating --

11 JUDGE SAINSON: Right. I understand.

12 MS. JOHNSON: -- you know.

13 JUDGE SAINSON: I understand.

14 MS. JOHNSON: So that's what I was talking about.

15 JUDGE SAINSON: If you can try and figure out the
16 make and model of the furnace and the hot water
17 heater, and I have one more thing -- what was the
18 third one -- and write down circumstances regarding
19 No. 10 that you don't have a stove.

20 MS. JOHNSON: I'll put it's not natural gas.

21 JUDGE SAINSON: Right.

22 MS. JOHNSON: Not a natural gas account.

1 JUDGE SAINSOT: Right. And 11 just put down the
2 circumstances concerning why you don't know who works
3 on the building, namely, you don't own it or whatever.
4 MS. JOHNSON: Right.
5 JUDGE SAINSOT: And there is one more, 21. I don't
6 think you put down who at the Commerce Commission you
7 talked to regarding this.
8 MS. JOHNSON: Carol Mastro (phonetic), Kathy
9 Griffin.
10 JUDGE SAINSOT: Write that down.
11 MS. JOHNSON: You're speaking all the people, all
12 the receptionists I talked to?
13 JUDGE SAINSOT: No.
14 MS. JOHNSON: Chief Clerk?
15 JUDGE SAINSOT: No.
16 MS. JOHNSON: I mean, it's been tons of people.
17 JUDGE SAINSOT: Did you talk to a consumer rep?
18 MS. JOHNSON: That was Karen Mastro, Kathy Griffin.
19 JUDGE SAINSOT: But the receptionist doesn't
20 matter. I'm sure the Chief Clerk doesn't matter
21 either. Those are people you talked to.
22 MS. JOHNSON: That's why I put Springfield,

1 Chicago, because it's been a host of people, even when
2 I was constantly being harassed with the shutoff
3 notice, I contacted your office. They told me you
4 were on vacation. They referred me back to that
5 number. That's when the company -- even though we --
6 they were giving me the shutoff notice, they required
7 me to contact ICC to be the go-between --

8 JUDGE SAINSON: Anyone you talked to about the
9 substance, like --

10 MS. JOHNSON: -- and there's a person who sent them
11 the documents, sent them the information.

12 JUDGE SAINSON: Right.

13 MS. JOHNSON: Right.

14 JUDGE SAINSON: But just so he knows, I mean, who
15 you talked to --

16 MS. JOHNSON: Karen Mastro, Kathy Griffin --

17 JUDGE SAINSON: -- with respect --

18 MS. JOHNSON: Chief Clerk.

19 JUDGE SAINSON: Yes, if you talked to the --

20 MS. JOHNSON: All them, you know.

21 JUDGE SAINSON: -- Chief Clerk I doubt would listen
22 to the substance.

1 MS. JOHNSON: Okay. Kathy Griffin and Carol
2 Mastro.

3 JUDGE SAINSOT: Just write that down as your
4 response. All I'm asking is -- what I am trying to do
5 is determine what is reasonable for you to answer and
6 what's not, and, frankly, Mr. Brigida, you know, a lot
7 of these requests you are certainly free to ask for,
8 but a lot of these things a lawyer wouldn't answer,
9 how many BTUs, you know.

10 MR. BRIGIDA: The information is available, Judge.
11 I mean, I don't see why that's -- why that's not
12 relevant if that's what I understand you are saying.

13 JUDGE SAINSOT: No. If she knows, that's fine, but
14 to expect it to the point where you have moved to
15 dismiss based on her failure to -- I mean, I guess my
16 point is that you can always ask for it, just don't
17 expect it.

18 MR. BRIGIDA: That's fine, Judge.

19 JUDGE SAINSOT: That's the kind of information.

20 MR. BRIGIDA: And, you know, I agree with you that
21 there's some answers that a perfect response is I
22 don't know, not available, but until she puts that

1 down, I don't know that information.

2 JUDGE SAINSOT: I understand. That's why I went
3 over these items and determined which ones you need
4 more information on. The rest of them you are not
5 getting any more information on because it's just
6 beyond --

7 MR. BRIGIDA: There's a couple of things I would
8 like to talk about here if I could.

9 JUDGE SAINSOT: Okay.

10 MR. BRIGIDA: No. 12, copy of all bills for all
11 natural gas service, and first she put not applicable,
12 then she put People Energy, Peoples Gas, already have.
13 That's not true. We don't keep copies of bills back
14 in time. We keep them for a certain limited time.

15 If she's going to be overestimating based
16 on bills she has, I still have to see what bills she
17 has.

18 JUDGE SAINSOT: You have bills for the past three
19 years?

20 MR. BRIGIDA: No, we don't.

21 MS. JOHNSON: It's on the form that I submitted.

22 MR. BRIGIDA: We don't have a copy of the actual

1 bills. We keep electronic information that was on the
2 bills, but the actual bills themselves we don't keep.

3 JUDGE SAINSOT: What's the difference?

4 MR. BRIGIDA: Well, the difference is if she's
5 claiming that she had a bill at a certain point of
6 time that had an amount, now she's disputing it, I'd
7 like to see what bills she's talking about.

8 MS. JOHNSON: It's on there, your Honor, on the
9 form I submitted.

10 JUDGE SAINSOT: On which form?

11 MS. JOHNSON: Attachment 1.

12 MR. BRIGIDA: I think she's talking about
13 Attachment 1.

14 MS. JOHNSON: It listed the estimates. It listed
15 the category of the bills.

16 MR. BRIGIDA: These aren't bills.

17 MS. JOHNSON: They are bills. They're from special
18 services allocated as bills, my payments, my account
19 transcript thereof listed and noted as bill.

20 JUDGE SAINSOT: This is something that you got from
21 Peoples --

22 MS. JOHNSON: Yes, that's from them and that's what

1 I was saying at the last meeting. That's when you
2 said don't write --

3 JUDGE SAINSOT: She doesn't have them. She doesn't
4 have them.

5 MR. BRIGIDA: That's fine. That's a perfect
6 answer, Judge. She hasn't answered that question.
7 She said Peoples Energy, Peoples Gas already have.

8 MS. JOHNSON: Your Honor, besides Peoples Energy,
9 true, already have when I -- last meeting when I
10 stated that. In addition, I submitted that, so he has
11 it --

12 JUDGE SAINSOT: Right.

13 Do you have --

14 MS. JOHNSON: -- which is from him.

15 JUDGE SAINSOT: Do you have any other bills just to
16 get the record straight here?

17 MS. JOHNSON: Yes, I do have bills, but, look,
18 bills from the company, who are the originators, the
19 creators, the producers of who have it, who analyzed,
20 who illustrate details of it.

21 JUDGE SAINSOT: I don't see why the bill would have
22 any more information than this.

1 MR. BRIGIDA: If she's claiming the bill is
2 different, she can't want to stipulate. If everything
3 on here is correct, I have no problem on this. If
4 she's going to dispute any of our information, I want
5 to know the basis of her disputing if she has it and
6 intending --

7 MS. JOHNSON: It's listed.

8 MR. BRIGIDA: If she intends to offer it and use it
9 as evidence in the trial, I believe I'm entitled to
10 it. We do not have a copy of bills going back in
11 time. We started to keep electronic copies.

12 JUDGE SAINSBOT: That would be true, Ms. Johnson.
13 It depends on what you are using, what your purpose is
14 with discovery. If you bring the actual bills, the
15 things that he gets in the mail, to trial and you
16 haven't given them to be entered into evidence and you
17 haven't let Mr. Brigida see them ahead of time, most
18 lawyers would object and say I haven't seen this
19 before.

20 And if those things aren't exactly like
21 this thing, which, you know, I don't know why they'd
22 be different, but, you know, it might behoove you to

1 xerox those bills and submit them with your responses
2 that you are going to submit that you are writing
3 down.

4 MS. JOHNSON: Okay. And, in addition, just may I
5 add, didn't he say up to three years back?

6 JUDGE SAINSOT: Well, I always thought it was three
7 years back.

8 MS. JOHNSON: That's per period we covered. That's
9 the period he's requesting.

10 JUDGE SAINSOT: If he tells me that his company
11 doesn't do it that way, I mean, I think you are
12 required by law to have them three years.

13 MR. BRIGIDA: We keep the information on the bills
14 but not the actual copies of bills. Again, we started
15 to do it electronically.

16 JUDGE SAINSOT: Like everything else.

17 MR. BRIGIDA: It doesn't go back to the '99 period.
18 I think we have gone back. We may have bills going
19 back nine months or so.

20 JUDGE SAINSOT: So, Ms. Johnson, it's really a good
21 idea for you strategically to xerox those bills if you
22 have them and give him the xerox, not the original.

1 MS. JOHNSON: And what is that for given they're
2 the distributor, creator, and originator of the
3 bills?

4 JUDGE SAINSBOT: This is what I'm telling you that
5 it's a good idea to do it. I'm not saying you have to
6 do it. If he's right, and I mean, he works at Peoples
7 Gas, he knows better about the billing than anybody
8 else there and you come into trial and you say I would
9 like to have these bills admitted into evidence, which
10 people do when there's billing disputes, he can object
11 to their admission into evidence because he hasn't had
12 a chance to look at those documents before. He's only
13 had a chance to look at this, and if this doesn't
14 match up perfectly with those documents, then -- you
15 know, then you are giving him a leg to bar what might
16 be perfectly good evidence elsewhere and totally
17 unnecessarily because, you know, they're just bills.
18 You can xerox them and send them off to him and then
19 that's a moot issue.

20 MS. JOHNSON: That's it. The period of coverage --
21 the period of coverage of the dispute, given that it's
22 their bill, and their system, and it's a discrepancy,

1 that's the whole point.

2 JUDGE SAINSOT: I understand.

3 MS. JOHNSON: Okay.

4 JUDGE SAINSOT: But I'm just saying that from a
5 lawyer's point of view it's best to cover yourself in
6 that manner.

7 MS. JOHNSON: Okay.

8 JUDGE SAINSOT: Is there anything else,
9 Mr. Brigida?

10 MR. BRIGIDA: No. 14, Judge.

11 JUDGE SAINSOT: No. 14.

12 MR. BRIGIDA: I asked for No. 13. I asked for
13 list all payments. No. 14 I asked for, including
14 copies of all documents evidencing any payments, and
15 she just refers back to Attachment 1, which is the
16 same document we have been looking for or looking at.

17 MS. JOHNSON: What number?

18 JUDGE SAINSOT: What are you looking for?
19 Cancelled checks?

20 MR. BRIGIDA: Absolutely, or other -- if she paid
21 by credit card, credit card statement. What's central
22 here is she's claiming she made a \$200 payment that we

1 never credited her. We show one \$200 payment being
2 credited in this time period. So if she's saying
3 there was another one, show me some evidence that she
4 actually paid, and she hasn't provided that to me.

5 MS. JOHNSON: No, it's one in the same. It's the
6 date. It's the issue. It's after that conversation,
7 that conversation March 7th with Kaye Staley, that
8 because that was an agreement of, like I said, the
9 resolve she came to and later abandoned and entered
10 their offices March 11th, like I stated on my formal
11 complaint form.

12 So what I did in No. 14 I say see
13 Attachment 1, because what it lists for you is all
14 that period all those checks that they stated, which
15 is showing what they received. That's redundant for
16 me.

17 JUDGE SAINSOT: All right. You know, but there's
18 only one \$200 check --

19 MS. JOHNSON: Exactly.

20 JUDGE SAINSOT: -- that's really at issue. Do you
21 have a copy of that?

22 MS. JOHNSON: Remember the first hearing, November

1 6, 2002?

2 JUDGE SAINSOT: You've got a copy of the check?

3 MS. JOHNSON: Yes. I gave it to him.

4 JUDGE SAINSOT: You've got a copy for yourself?

5 MS. JOHNSON: Yes. I gave it to him first hearing.

6 MR. BRIGIDA: I have no problem limiting this case

7 to this \$200 check, but if she's going to dispute any

8 other amount, then we necessarily have to get into --

9 I should be entitled to view other statements. If she

10 wants to limit it to this particular check, I --

11 JUDGE SAINSOT: Are you contesting anything else

12 besides the late charges or anything?

13 MS. JOHNSON: Overestimations, whenever that may

14 apply. But, in regard to that question, like I was --

15 I answered the question like how were you paying? All

16 by check, other than one phoned-in credit card. See

17 Attachment 1 is meaning the company is illustrating

18 that they have received all of those checks. That's a

19 \$10 fee per every check to verify what is already

20 listed and stated in Attachment 1 --

21 JUDGE SAINSOT: Let me just see Attachment 1.

22 MS. JOHNSON: -- which they're listing all my

1 payments and when they received them.

2 MR. BRIGIDA: If she wants to stipulate that what's
3 on here is correct, I don't need the information that
4 I'm asking for then, but, again, she's going to have
5 to stipulate that what's shown on here is correct.

6 JUDGE SAINSOT: Well, do you agree that that's
7 correct?

8 MS. JOHNSON: The payments, yes, they're all
9 payments I have made that they show payments received,
10 so what am I going --

11 JUDGE SAINSOT: I think what Mr. Brigida's point is
12 that he's not sure whether you are saying that
13 this -- the document that you have from Peoples Gas
14 that lists all the payments and things -- whether you
15 are saying that that is accurate.

16 MS. JOHNSON: The payment is made. The payment is
17 acknowledged received.

18 JUDGE SAINSOT: Right. I think I understand where
19 you are both coming from. I think what you are
20 saying, Ms. Johnson, is that but for that \$200
21 payment, it's right.

22 MS. JOHNSON: Right.

1 JUDGE SAINSOT: And --

2 MS. JOHNSON: Right.

3 JUDGE SAINSOT: -- I think maybe you need to just
4 write this down. You need to explain that in your
5 Answers to Interrogatories, if that's your theory, but
6 for this \$200 payment, I'm not contesting Peoples'
7 bills, because you -- he's concerned I think, or I
8 would be as a lawyer, that you walk into a trial and
9 all of a sudden there's a \$500 payment from 1998 at
10 issue and you are going what.

11 MS. JOHNSON: No, I'm answering his questions.

12 JUDGE SAINSOT: Right. Right.

13 MS. JOHNSON: His time period --

14 JUDGE SAINSOT: So he's trying to focus it down so
15 he can prepare himself and know what's focused -- it
16 does narrow the focus, so he knows what you are
17 talking about, and he knows how to prepare himself for
18 trial, or settlement, or whatever is appropriate, so
19 am I --

20 MR. BRIGIDA: Yes, absolutely, Judge. Again, I
21 think one of the problems I don't understand exactly
22 what she's complaining about. If it's this \$200

1 payment, then we can absolutely focus on that, but her
2 complaint and previous discussions, both on and off
3 the record, seem to talk about overestimation and I
4 don't know what she means by that. When did we
5 overestimate her and how much?

6 MS. JOHNSON: It's listed there and how much. How
7 much? That whole point of the estimation was done.
8 Clearly it was a new meter and all readings were
9 available but just weren't being taken.

10 So my discussion with Kaye Staley, when
11 she contacted me in that regard, because, for
12 instance, like in my formal complaint where I stated
13 she finally came to the figure of 516-some-odd cents,
14 what I'm saying when I did a roundabout estimation, I
15 got 501. That's a \$15 difference still to my
16 detriment, but I went with that. That has totally
17 been abandoned because it's been a switch-a-roo to say
18 that conversation never -- evidently never happened
19 because that adjustment resolve that was discussed was
20 abandoned, and it's been me running down thereafter to
21 get it straightened out, because that \$200 deduction
22 was taken from an old figure, which included all the

1 estimated figures in their normal state, which in her
2 resolve was a meeting of the minds, shall we say,
3 like, okay, that figure's acceptable, boom.

4 That's when I sent in a check, but the
5 check is being instead deducted from the non-adjusted
6 figure which keeps it at estimated as though it never
7 existed, that as if that discussion never existed, as
8 the resolve never existed.

9 JUDGE SAINSOT: I will say -- well, Mr. Brigida, is
10 there anything else that you have a problem with?

11 MR. BRIGIDA: Let's see.

12 JUDGE SAINSOT: You want to take a minute.

13 MR. BRIGIDA: No. I've got this marked down,
14 No. 18.

15 JUDGE SAINSOT: Statutes? No, we are not doing
16 statutes in the code. She's been fairly factually
17 specific and that's just the way it goes. There's
18 really a law that says you have to write a complaint
19 with the statute or you just have to state facts.

20 MR. BRIGIDA: I understand that, Judge, but my
21 understanding is the ICC has authority to deal with
22 violations of Commission rules, public utility laws,

1 et cetera, and if I don't know what violations she's
2 alleging, I don't know how to defend the company.

3 JUDGE SAINSOT: Well, excuse me. You have got the
4 facts

5 MR. BRIGIDA: Actually, I don't, Judge. Here I
6 don't believe she's ever clearly stated what facts
7 constitute even if we are not calling it violation of
8 statute, just wrongdoing by the company and specific
9 relief. To me, her complaint is vague. It's not
10 clear --

11 JUDGE SAINSOT: Well --

12 MR. BRIGIDA: -- and that's all I'm trying to get
13 to here. If she wants to specifically list exactly
14 what we did wrong, you know, maybe in chronological
15 order, that will do two things.

16 JUDGE SAINSOT: She's got all these conversations.
17 Did you read all the conversations with the people?

18 MR. BRIGIDA: I did.

19 MS. JOHNSON: Exactly.

20 JUDGE SAINSOT: Employees.

21 MR. BRIGIDA: But, Judge, I still don't understand.
22 You know, does she have a specific dollar amount that

1 she's claiming we overcharged her?

2 JUDGE SAINSOT: Didn't I just talk about that? I,
3 mean was \$200 plus some late charges.

4 MR. BRIGIDA: You talked about that. I'm not sure
5 if she's agreed to that. Again, if she's agreed to
6 that, then we can deal with that amount, but it seems
7 to me she's talking about an overestimation. This
8 deal she made I don't know exactly what amount she's
9 talking about, Judge, and I'm not going to sit here
10 and guess as to what amount she's talking.

11 MS. JOHNSON: Have you talked with Kay Staley?

12 MR. BRIGIDA: Yes, I have, ma'am.

13 MS. JOHNSON: And what did she tell you?

14 MR. BRIGIDA: That I have spoken to her and, you
15 know, that's not something we need to discuss right
16 now.

17 JUDGE SAINSOT: Don't discuss it in front of me.

18 MS. JOHNSON: Okay.

19 MR. BRIGIDA: What I'm trying to understand is
20 exactly what are you complaining about and exactly
21 what is this relief you are asking for?

22 JUDGE SAINSOT: All right. I'm going to leave you

1 alone for about 10 or 15 minutes, and during that
2 time, I want you to also think about -- since I have
3 formally denied your motion to dismiss, I want you to
4 think about how long it would take you to get those
5 answers I told you --

6 MS. JOHNSON: I can write it out for him.

7 JUDGE SAINSOT: -- except for the furnace and hot
8 water heater, if you can, but I would --

9 MS. JOHNSON: If he hands me the paper, I would
10 write it down.

11 MR. BRIGIDA: She also has to run copies of bills.

12 JUDGE SAINSOT: Give yourself, you know, a
13 little -- a comfortable time. You think it will take
14 you a week, ask for 10 days or two weeks.

15 MS. JOHNSON: No, I don't want to wait like that.
16 Hand me your paper. I'll write it in.

17 JUDGE SAINSOT: You still need to do the bills.

18 MS. JOHNSON: I can call them for -- look up the
19 number and call them, right.

20 MR. BRIGIDA: Judge, I want everything in writing.
21 I'm sorry.

22 JUDGE SAINSOT: Right. You need to think about

1 this. You need to think about and do it, but it
2 shouldn't take too long. I'm not saying it should
3 take a long time. You don't want to hammer it off,
4 and the other thing you both need to think about
5 before I leave you alone is if there's more discovery
6 that you want from him, that there's any information
7 you want, too, from him, and if there's more
8 information that you want from her and how long it can
9 take -- it's going to take for you, too, if you need
10 more information from each other and a trial date,
11 because it seems to me that we could have a trial date
12 probably fairly quickly, so I'm going to leave you
13 alone for about 10 or 15 minutes to talk about some of
14 these issues so that you can -- if you have more
15 information that you want, now is the time to think
16 about that, Mr. Brigida, and to maybe clarify your
17 case. All right.

18 MS. JOHNSON: Your Honor, just what was that number
19 that we were just discussing? Because --

20 JUDGE SAINSOT: Eighteen.

21 MS. JOHNSON: -- because he said he doesn't
22 understand. My point was, like he said, I already

1 described it as being estimated when there was no
2 reason to estimate and it's logged on the --

3 JUDGE SAINSOT: Do you have the time --

4 MS. JOHNSON: I don't know which number.

5 JUDGE SAINSOT: I think it's 18 and 19. Do you
6 have the time period in question? Well --

7 MS. JOHNSON: It's there.

8 JUDGE SAINSOT: Yes, it --

9 MS. JOHNSON: You know what I'm saying.

10 JUDGE SAINSOT: The phone conversation --

11 MS. JOHNSON: All of it is there as well as on
12 Attachment 1. Their paper shows the estimated --

13 JUDGE SAINSOT: Right.

14 MS. JOHNSON: -- period.

15 JUDGE SAINSOT: Right. This summary, this
16 Attachment 1.

17 MS. JOHNSON: As I was saying, and the complaint
18 speaks of -- refers to the person that I spoke to and
19 the attachment and whose those people and those dates.

20 JUDGE SAINSOT: Mr. Brigida, do you have other
21 questions to narrow it down? I would suggest also
22 just talking to her for five minutes, because she can

1 connect the dots with this information pretty well if
2 that makes any sense.

3 MR. BRIGIDA: Okay.

4 JUDGE SAINSOT: And it is -- you know, lawyers tend
5 to say see answer to question blah, blah, blah, see
6 answer to question blah, blah, blah. She's not doing
7 that here, but maybe talking to her for 5 minutes will
8 have the same result.

9 MR. BRIGIDA: It's worth a try.

10 JUDGE SAINSOT: All right.

11 (Off the record.)

12 We will go back on the record.

13 The parties have agreed to the following
14 schedule: On July 14th Ms. Johnson will serve -- and
15 what I mean by serving, placing it in the United
16 States mail with sufficient postage the additional --
17 let me think of how to put this -- the additional
18 information that was previously discussed that was
19 responses to Mr. Brigida's discovery request.

20 We'll have a trial a month -- exactly a
21 month later on August 14th at 10 a.m., subject to the
22 following caveat, and that is that a key witness to

1 both parties may not be available that day and
2 Mr. Brigida will contact both Ms. Johnson and myself
3 if she's not available, because she's a Peoples'
4 employee and we'll reschedule if this witness, Kaye
5 Staley, cannot make it to the trial on August 14th.

6 Is there anything that needs to be added?

7 (No response.)

8 Okay.

9 (Whereupon, the above
10 matter was adjourned,
11 to be continued to
12 August 14, 2003 at
13 10 o'clock a.m.)

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